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SNELL & WILMER
ONE ARIZONA CENTER
400 EAST VAN BUREN
PHOENIX, AZ 850040001

EXAMINER

PARTON, KEVIN S

ART UNIT PAPER NUMBER

2153

18

DATE MAILED: 04/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/492,846

Applicant(s)

RONNING ET AL.

Examiner

Kevin Parton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 9-15, 34-40, 42-48 and 122 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 9-15, 34-40, 42-48 and 122 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1, 34, and 122 have been considered but are moot in view of the new ground(s) of rejection. Please note that the new grounds of rejection were necessitated by the applicant's amendment.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 9, 10, 12, 34, 42, 43, 45, and 122 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dujari (USPN 6,199,107) in view of Demke et al. (USPN 6,021,276).

4. Regarding claims 1 and 34, Dujari (USPN 6,199,107) teaches a system for downloading a file in multiple portions, at least a portion of the file having been previously received (column 1, lines 34-39) with means for:

- a. Transmitting, using a local first executable software file a request to download a file, the request including an identification of the file and an indication of starting point for transmission of the file (column 4, lines 65-67; column 7, lines 23-35).
- b. Receiving, using the first executable software file, a serial transmission of digital information for the file beginning at the starting point (column 8, lines 13-21).

- c. Appending, using the first executable software file, the digital information to the previously-received portion of the file (column 8, lines 13-21).
- d. Storing the received digital information (column 8, lines 24-28).

Although the system disclosed by Dujari (USPN 6,199,107) shows substantial features of the claimed invention, it fails to disclose:

- a. When the downloaded file includes a second executable software file, prompting a user to indicate whether to install the second executable software file.
- b. When the user requests installation of the second executable software file, based upon a user response to the prompting, installing the second executable software file so that a computer system can execute and run the second executable software file upon selection by a user.

Nonetheless, these features are well known in the art and it would have been an obvious modification of the system disclosed by Dujari (USPN 6,199,107), as evidenced by Demke et al. (USPN 6,021,276).

In an analogous art, Demke et al. (USPN 6,021,276) discloses a system for the downloading of software files wherein:

- a. When the downloaded file includes a second executable software file, prompting a user to indicate whether to install the second executable software file (column 1, lines 49-61; column 3, line 20, 38-42, 64-66).
- b. When the user requests installation of the second executable software file, based upon a user response to the prompting, installing the second executable

software file so that a computer system can execute and run the second executable software file upon selection by a user (column 1, lines 49-61; column 3, line 20, 38-42, 64-66).

Given the teaching of Demke et al. (USPN 6,021,276), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Dujari (USPN 6,199,107) by specifically pointing out that if the downloaded file is a software file, the user is prompted as to whether or not it should be installed, and installation follows. This benefits the system by allowing users to control the action of their system and avoids interruption of their work by a large installation.

5. Regarding claims 9 and 42, Dujari (USPN 6,199,107) teaches all the limitations as applied to claims 1 and 34, respectively. He further teaches means wherein the transmitting step includes transmitting a uniform resource locator as the identification of the file (column 4, line 22). Note that in the reference, the request from the client is through the network interface that uses URLs to access the remote files. These URLs are then converted client side for use on the client.

6. Regarding claims 10 and 43, Dujari (USPN 6,199,107) teaches all the limitations as applied to claims 1 and 34, respectively. He further teaches means for receiving an end of file indication upon completion of the downloading of the entire file (column 8, lines 29-31; figure 7). Note that the response notes that the end of the file has been reached by acknowledging the final byte that was downloaded.

7. Regarding claims 12 and 45, Dujari (USPN 6,199,107) teaches all the limitations as applied to claims 1 and 34, respectively. He further teaches means wherein the transmitting step

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includes transmitting the starting point based on a size of the previously-received portion of the file (figure 9; column 6, lines 7-12; column 7, lines 10-11).

8. Regarding claim 122, Dujari (USPN 6,199,107) teaches a system for downloading a file in multiple portions with means for:

- a. Downloading, using a local first executable software file, a first portion of the file (column 1, lines 34-39).
- b. Subsequently transmitting, using the first executable software file, a request to continue downloading the file (column 4, lines 65-67; column 7, lines 23-35).
- c. Downloading, using the first executable software file, a second portion of the file (column 8, lines 13-21).
- d. Appending, using the first executable software file the first portion of the file to the second portion of the file (column 8, lines 13-21).

Although the system disclosed by Dujari (USPN 6,199,107) shows substantial features of the claimed invention, it fails to disclose:

- a. When the downloaded file includes a second executable software file, prompting a user to indicate whether to install the second executable software file.
- b. When the user requests installation of the second executable software file, based upon a user response to the prompting, installing the second executable software file so that a computer system can execute and run the second executable software file upon selection by a user.

Nonetheless, these features are well known in the art and it would have been an obvious modification of the system disclosed by Dujari (USPN 6,199,107), as evidenced by Demke et al. (USPN 6,021,276).

In an analogous art, Demke et al. (USPN 6,021,276) discloses a system for the downloading of software files wherein:

- a. When the downloaded file includes a second executable software file, prompting a user to indicate whether to install the second executable software file (column 1, lines 49-61; column 3, line 20, 38-42, 64-66).
- b. When the user requests installation of the second executable software file, based upon a user response to the prompting, installing the second executable software file so that a computer system can execute and run the second executable software file upon selection by a user (column 1, lines 49-61; column 3, line 20, 38-42, 64-66).

Given the teaching of Demke et al. (USPN 6,021,276), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Dujari (USPN 6,199,107) by specifically pointing out that if the downloaded file is a software file, it is installed and can be executed. This benefits the system by making the downloaded information useful to the client as quickly as possible and with fewer steps by the user.

9. Claims 2-4, 11, 35-37 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dujari (USPN 6,199,107) and Demke et al. (USPN 6,021,276) as applied to claims 1 and 34 above, and further in view of Casagrande et al. (USPN 6,049,892).

10. Regarding claims 2 and 35, although the system disclosed by Dujari (USPN 6,199,107) and Demke et al. (USPN 6,021,276) (as applied to claims 1 and 34, respectively) shows substantial features of the claimed invention, it fails to disclose means wherein the receiving step includes receiving a stream of bytes.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Dujari (USPN 6,199,107) and Demke et al. (USPN 6,021,276), as evidenced by Casagrande et al. (USPN 6,049,892).

In an analogous art, Casagrande et al. (USPN 6,049,892) disclose a system for downloading a file in portions from a server to a client wherein the receiving step includes receiving a stream of bytes (figure 3; column 4, lines 44-47).

Given the teaching of Casagrande et al. (USPN 6,049,892), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Dujari (USPN 6,199,107) and Demke et al. (USPN 6,021,276) by employing the use of a stream of bytes in transferring the downloaded data. The use of a stream of bytes ensures that partially downloaded data will be sent in order and that only a start point will be required to restart transmission. This benefits the system by removing the need for monitoring the files for completeness saving computational time.

11. Regarding claims 3 and 36, Dujari (USPN 6,199,107) teaches all the limitations as applied to claims 2 and 35, respectively. He further teaches means wherein the storing step includes storing the received bytes in a temporary folder (figure 10). Note that in the reference, when a response is complete (or an incomplete partial response) the results are cached and then

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returned to the requesting application if necessary. The cache in this example is the temporary folder.

12. Regarding claims 4 and 37, Dujari (USPN 6,199,107) teaches all the limitations as applied to claims 2 and 35, respectively. They further teach means wherein the transmitting step includes transmitting a start byte number as the indication of the starting point (figure 6; column 7, lines 23-36). Note that in the reference, the requested range starts with the start byte and an end byte does not have to be transmitted.

13. Regarding claims 11 and 44, Dujari (USPN 6,199,107) teaches all the limitations as applied to claims 2 and 35, respectively. He further teaches means for tracking numbers of bytes transmitted for the file (figure 11). Note that in the reference, the incoming file is monitored for interruption and if the full number of expected bytes is not reached, the partial content is stored.

14. Claims 5-7, 13-15, 38-40, and 46-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dujari (USPN 6,199,107) and Demke et al. (USPN 6,021,276) as applied to claims 1 and 34 above, and further in view of Lavey, Jr. et al. (USPN 6,023,698).

15. Regarding claims 5 and 38, although the system disclosed by Dujari (USPN 6,199,107) and Demke et al. (USPN 6,021,276) (as applied to claims 1 and 34, respectively) shows substantial features of the claimed invention, it fails to disclose means for providing a visual indication of an amount of the file downloaded.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Dujari (USPN 6,199,107) and Demke et al. (USPN 6,021,276), as evidenced by Lavey, Jr. et al. (USPN 6,023,698).

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In an analogous art, Lavey, Jr. et al. (USPN 6,023,698) discloses a system for download of files from a server to a client with means for providing a visual indication of an amount of the file downloaded (figure 2c).

Given the teaching of Lavey, Jr. et al. (USPN 6,023,698), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Dujari (USPN 6,199,107) and Demke et al. (USPN 6,021,276) by employing the visualization of the amount of the file that has been downloaded. This allows the user to estimate how much time will be required for completion of the file, also the see that file download is still taking place. This benefits the system by preventing the user from canceling an active but slow download by showing that progress is being made.

16. Regarding claims 6 and 39, although the system disclosed by Dujari (USPN 6,199,107) and Demke et al. (USPN 6,021,276) (as applied to claims 1 and 34, respectively) shows substantial features of the claimed invention, it fails to disclose means for displaying an expanding status bar that provides in realtime an indication of the amount of the file downloaded during the receiving step.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Dujari (USPN 6,199,107) and Demke et al. (USPN 6,021,276), as evidenced by Lavey, Jr. et al. (USPN 6,023,698).

In an analogous art, Lavey, Jr. et al. (USPN 6,023,698) discloses a system for download of files from a server to a client with means for displaying an expanding status bar that provides in realtime an indication of the amount of the file downloaded during the receiving step. (figure 2c).

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Given the teaching of Lavey, Jr. et al. (USPN 6,023,698), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Dujari (USPN 6,199,107) and Demke et al. (USPN 6,021,276) by employing the visualization of the amount of the file that has been downloaded. This allows the user to estimate how much time will be required for completion of the file, also the see that file download is still taking place. This benefits the system by preventing the user from canceling an active but slow download by showing that progress is being made.

17. Regarding claims 7 and 40, although the system disclosed by Dujari (USPN 6,199,107) and Demke et al. (USPN 6,021,276) (as applied to claims 5 and 38, respectively) shows substantial features of the claimed invention, it fails to disclose means for providing an indication that the entire file has been downloaded.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Dujari (USPN 6,199,107) and Demke et al. (USPN 6,021,276), as evidenced by Lavey, Jr. et al. (USPN 6,023,698).

In an analogous art, Lavey, Jr. et al. (USPN 6,023,698) disclose a system for download of files from a server to a client with means for providing an indication that the entire file has been downloaded (figure 2c). Note that the status bar in the reference includes a percent complete. A 100% complete notation here would be an indication that the full file has been received.

Given the teaching of Lavey, Jr. et al. (USPN 6,023,698), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Dujari (USPN 6,199,107) and Demke et al. (USPN 6,021,276) by giving an indication that the download of the file is complete. This allows the user to begin viewing or using the file as

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quickly as possible without any confusion as to whether or not the file is completely downloaded. This benefits the system by preventing the user from attempting to use incomplete files or waiting longer than necessary to use complete files.

18. Regarding claims 13 and 46, although the system disclosed by Dujari (USPN 6,199,107) and Demke et al. (USPN 6,021,276) (as applied to claims 1 and 34, respectively) shows substantial features of the claimed invention, it fails to disclose means for displaying a status of the downloading of the file.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Dujari (USPN 6,199,107) and Demke et al. (USPN 6,021,276), as evidenced by Lavey, Jr. et al. (USPN 6,023,698).

In an analogous art, Lavey, Jr. et al. (USPN 6,023,698) disclose a system for download of files from a server to a client with means for displaying a status of the downloading of the file (figure 2c). Note that in the reference, the status is shown by the amount of the file that has been downloaded.

Given the teaching of Lavey, Jr. et al. (USPN 6,023,698), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Dujari (USPN 6,199,107) and Demke et al. (USPN 6,021,276) by employing the visualization of the status of the downloading file. This allows the user to estimate how much time will be required for completion of the file, also the see that file download is still taking place. This benefits the system by preventing the user from canceling an active but slow download by showing that progress is being made.

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19. Regarding claims 14 and 47, although the system disclosed by Dujari (USPN 6,199,107) and Demke et al. (USPN 6,021,276) (as applied to claims 13 and 46, respectively) shows substantial features of the claimed invention, it fails to disclose means for displaying in indication that the file is ready to be downloaded, in progress during a download, successfully downloaded, or has a canceled download.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Dujari (USPN 6,199,107) and Demke et al. (USPN 6,021,276), as evidenced by Lavey, Jr. et al. (USPN 6,023,698).

In an analogous art, Lavey, Jr. et al. (USPN 6,023,698) disclose a system for download of files from a server to a client with means for displaying in indication that the file is ready to be downloaded, in progress during a download, successfully downloaded, or has a canceled download (figure 2c). Note that in the reference, all of these can be determined by selecting the file and then viewing the download of the file. In terms of cancellation, both Dujari (USPN 6,199,107) and Lavey, Jr. et al. (USPN 6,023,698) teach that a message of interruption will be returned.

Given the teaching of Lavey, Jr. et al. (USPN 6,023,698), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Dujari (USPN 6,199,107) and Demke et al. (USPN 6,021,276) by employing the return of several status parameters to the user. This allows the user to estimate how much time will be required for completion of the file, also the see that file download is still taking place. This benefits the system by preventing the user from canceling an active but slow download by showing that progress is being made.

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20. Regarding claims 15 and 48, Dujari (USPN 6,199,107) teaches all the limitations as applied to claims 13 and 46, respectively. He further teaches means for receiving settings for parameters related to control of the downloading of the file (figure 4-8). Note that in the reference, the returned information specifies byte number and type of communication.

Conclusion

21. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Parton whose telephone number is (703)306-0543. The examiner can normally be reached on M-F 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (703)305-4792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kevin Parton
Examiner
Art Unit 2153

ksp



FRANTZ B. JEAN
PRIMARY EXAMINER